

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NIGEST TILAHUN,

Plaintiff,

v.

**Civil Action 2:17-cv-234
Judge George C. Smith
Magistrate Judge Jolson**

WALMART/SAM'S CLUB,

Defendant.

REPORT AND RECOMMENDATION

In an Order issued on July 19, 2017, this Court directed Plaintiff to effect proper service of process within thirty days and warned that a failure to do so could result in dismissal of this action. (Doc. 13 at 3). Thereafter, Plaintiff filed an unopposed Motion requesting an extension of time until September 25, 2017, to retain counsel effect service of process. (Doc. 15). The Court granted the Motion. (Doc. 16). Consequently, service was due on September 25, 2017.

That date has passed, and the docket reflects that Plaintiff has yet to effect service of process. Consequently, the Court **RECOMMENDS** that this action be **DISMISSED**.

Procedure on Objections to Report and Recommendation

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo*

determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: September 27, 2017

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE